

## Message Text

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PAGE 01 STATE 019699  
ORIGIN EA-09

INFO OCT-01 ISO-00 EB-08 CAB-02 CIAE-00 COME-00 DODE-00  
DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 SS-15 H-01  
NSC-05 /052 R

DRAFTED BY EA/PRCM: J G AUBERT:JCM

APPROVED BY EA/PRCM: H E T THAYER

EB/OA/AVP: J GORDAN

-----290335Z 096720 /22

R 281543Z JAN 77

FM SECSTATE WASHDC

TO USLO PEKING

INFO AMCONSUL HONG KONG

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E.O. 11652: N/A

TAGS: EAIR, CH, US

SUBJECT: CIVAIR: PANAM RENEWS REQUEST FOR OVERFLIGHT  
RIGHTS

REFERENCE: 75 STATE 102443, 75 PEKING 855

1. PANAM HAS GIVEN THE DEPARTMENT A COPY OF LETTER FROM ITS BOARD CHAIRMAN, WILLIAM SEAWELL, TO LI SHU-FAN, CAAC DEPUTY DIRECTOR, RENEWING PANAM'S 1975 REQUEST FOR OVERFLIGHT RIGHTS BETWEEN HONG KONG AND TEHRAN/NEW DELHI (SEE REFTELS). TEXT FOLLOWS:

2. DEAR MR. LI:

I REFER TO MY LETTER OF APRIL 15, 1975 TO MR. SHEN TIEN-CHI DEPUTY DIRECTOR OF THE COMMANDING DEPARTMENT OF THE GENERAL

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ADMINISTRATION OF CIVIL AVIATION OF CHINA AND YOUR REPLY OF JULY 15, 1975.

OUR COMPANY SEEKS, ON A CONTINUING BASIS, WAYS TO IMPROVE SERVICE AND EFFICIENCY. IN THIS CONNECTION WE ARE STILL DESIROUS OF REDUCING THE TIME OF OUR AROUND-WORLD SERVICE BY FLYING DIRECTLY BETWEEN HONG KONG AND POINTS WEST,

NAMELY, TEHRAN AND/OR NEW DELHI.

APPLICATION TO OVERFLY THE PEOPLE'S REPUBLIC OF CHINA ON THE FOLLOWING AERONAUTICAL ROUTING: TO ENTER THE PEOPLE'S REPUBLIC OF CHINA FROM LASHIO (BURMA) TO LINGTSANG, KUNMING, POSEH, KAOYAO, PUSHAN, PAIYUN, SHIHLUNG TO A POINT, LATITUDE 22 30; NORTH AND LONGITUDE 114 54' EAST, THENCE TO HONG KONG.

IF THIS REQUEST CAN BE GRANTED, FULL OPERATIONAL DETAILS WILL BE SUPPLIED PROMPTLY AS REQUIRED.

I AVAIL MYSELF OF THIS OPPORTUNITY TO EXTEND TO YOU THE ASSURANCES OF MY HIGHEST CONSIDERATION.

SINCERELY YOURS, WILLIAM T. SEAWELL. END TEXT.

3. PANAM HAS ALSO PROVIDED A COPY OF CAAC'S JULY 15, 1975 RESPONSE TO PANAM'S PREVIOUS REQUEST, TEXT OF WHICH READS: MR. WILLIAM T. SEAWELL, WE HAVE PLEASURE TO ACKNOWLEDGE RECEIPT OF YOUR LETTER DATED APRIL 15, 1975 ADDRESSED TO MR. SHEN TIEN-SHIH, DEPUTY DIRECTOR OF COMMANDING DEPARTMENT OF THE GENERAL ADMINISTRATION OF CIVIL AVIATION OF CHINA. WE APPRECIATE THE GROUND LANDING SERVICES RECENTLY RENDERED TO OUR FLIGHT BY YOUR AIRLINE AND KINDNESS FOR US IN YOUR LETTER.

WE FIND IT DIFFICULT AT PRESENT FOR US TO AGREE TO THE REQUEST FOR YOUR INDIA--HONG KONG SERVICES TO OVERFLY THE PEOPLE'S REPUBLIC OF CHINA. WITH REGARDS, DE-LIMITED OFFICIAL USE

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PARTMENT OF INTERNATIONAL AFFAIRS, CAAC. END TEXT.

4. FYI: THE PRC IS A SIGNATORY OF THE CHICAGO CONVENTION ON INTERNATIONAL CIVIL AVIATION, WHICH REQUIRES SIGNATORIES TO PERMIT EACH OTHER OVERFLIGHT RIGHTS FOR NON-SCHEDULED PRIVATE FLIGHTS. CONDITIONS MAY BE ATTACHED TO THESE: E.G. ESCORT CREWS, ADHERENCE TO FIXED ROUTES, ETC. PRC AIRCRAFT HAVE ON OCCASION OVERFLOWN US AIRSPACE ON THIS BASIS. PANAM'S REQUEST, HOWEVER, IS FOR SCHEDULED OVERFLIGHTS. SUCH ARRANGEMENTS ARE COVERED BY THE INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT, WHICH WAS NEGOTIATED AT THE SAME TIME AS THE CHICAGO CONVENTION. THE PRC IS NOT A SIGNATORY OF THIS AGREEMENT. ALTHOUGH THE USG NORMALLY NEGOTIATES ON BEHALF OF US AIR CARRIERS SINCE THE CARRIERS ARE NOT THEMSELVES IN A POSITION TO OFFER RECIPROCAL CONCESSIONS TO FOREIGN AIRLINES, THERE IS NO LEGAL IMPEDIMENT PREVENTING A US CARRIER FROM REQUESTING OVERFLIGHT PRIVILEGES FROM A FOREIGN COUNTRY (RECOGNIZED OR UNRECOGNIZED) BEYOND THE

FACT THAT FAA MUST ULTIMATELY CERTIFY THE ROUTE'S SAFETY.

WEHAVE TOLD PANAM THAT THE DEPARTMENT NEITHER SUPPORTS  
NOR DISCOURAGES ITS EFFORTS TO OBTAIN OVERFLIGHT PRIVI-  
EGES FROM THE PRC.

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, OVERFLIGHT AGREEMENTS  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Disposition History:** n/a  
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**Document Unique ID:** 00  
**Drafter:** J G AUBERT:JCM  
**Enclosure:** n/a  
**Executive Order:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Reference:** 75 STATE 102443, 75 PEKING 855  
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**TAGS:** EAIR, CH, US, PANAM  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009